

COLORADO STATE BOARD OF MEDICAL EXAMINERS

FULL BOARD OPEN MINUTES

May 20, 2010

9:07 a.m.

A Full Board meeting of the Colorado State Board of Medical Examiners was held Thursday, May 20, 2010, at 1560 Broadway, Conference Room 1250C, Denver, Colorado at 9:07 a.m. The meeting was noticed in accordance with Division policy.

Present were Dr. Allen-Davis, Mr. Berson, Dr. Butler, Dr. Calonge, Mr. Jennings, Dr. Matthews, Dr. Melendez, Dr. Overholt, Mr. Schoenmakers (departed at 11:30 a.m.), Dr. Utt and Dr. Watts.

The meeting was conducted by Dr. Allen-Davis.

Also in attendance for all or part of the meeting were Board staff Susan Miller, Healthcare Section Director; Marschall S. Smith, Program Director, Lisa Jackson, Enforcement Program Manager, Maria Soto, Program Assistant; Ilene Wolf-Moore, First Assistant Attorney General.

MINUTES

A motion was made, seconded, and carried to approve the open minutes of the February 18, 2010 full board meeting as amended.

REPORTS

President's Report

Dr. Allen-Davis reported on the Annual FSMB Meeting, highlighting the presentations on maintenance of licensure. Dr. Allen-Davis requested that the Board consider a discussion of Maintenance of Licensure at its February 2011 meeting and instructed the Program Director to include the discussion as an agenda item for that meeting. A request was made for authorization so that the Program Director and Dr. Allen-Davis could meet with an organization called Health TeamWorks to explore the option of having that group make a presentation to the Board. The request was approved. Dr. Allen-Davis requested that the members of the Board consider opportunities to increase the outreach to the public and how that outreach should look. Suggestions will be discussed at future Board meetings. Dr. Allen-Davis informed the Board that a volunteer was needed to serve as the Board's representative at NPATCH.

Section Director's Report

Susan Miller introduced new Board Member, Mr. Steven Berson and presented a Sunset/Legislative update. Ms. Miller indicated that an emergency rulemaking

meeting will be required in June 2010 to ensure that the Board's Rules comply with the new Medical Practice Act. A date, time, and place would be noticed in the future. Ms. Miller also discussed the new three member licensing panel created by the legislature.

Program Director's Report

Marschall S. Smith reported on the Annual FSMB and AIM Meetings.

GENERAL BUSINESS

EMTS-MDC Recommendations for Rule 500 Waivers

Arthur Kanowitz, M.D., Medical Director, Emergency Medical & Trauma Services (EMTS) Section, and Marilyn K. Bourn, R.N., EMTS State Training Coordinator at Colorado Department of Public Health and Environment (CDPHE), were present at the meeting to discuss Medical Direction Committee (MDC) Rule 500 Waiver recommendations.

After discussion, motions were made, seconded and carried to adopt the EMTS-MDC recommendations for Rule 500 waiver requests. Specifically, separate motions were made, seconded, and carried to approve renewal of waivers: 10-04-A, 10-04-B, 10-04-C, 10-04-D, 10-04-E, 10-05-A, 10-05-B, 10-05-C, 10-05-D, 10-05-E, 10-06, 10-07, 10-08, and 10-11. A motion was made, seconded and carried to table waivers: 10-09 and 10-10.

The Board had a general discussion with Dr. Kanowitz regarding the development of state wide protocols. No action was required or taken.

The Board had a general discussion with Dr. Kanowitz regarding a project by Eagle County to use paramedics to provide health services to low income citizens. The Board noted that the paramedic must still practice within their scope and Board Rule 500. No action was required or taken.

Maureen Hartlaub, Taskforce Director, Nurse-Physician Advisory Taskforce for Colorado Healthcare (NPATCH)

Ms Hartlaub provided an informational update regarding the role and function of NPATCH. No action was required or taken.

Review of Proposed Revisions to Policy 20-16

The Board reviewed proposed revisions to Policy 20-16, regarding applications requiring Board review. After discussion, a motion was made, seconded, and carried to accept the proposed revisions to Policy 20-16 as amended.

Review of Proposed Revisions to Policy 20-02

The Board reviewed proposed revisions to Policy 20-02, regarding the reporting of denied and withdrawn applications to the FSMB. After discussion, a motion was made, seconded, and carried to accept the proposed revisions to Policy 20-02 as amended.

Review of Proposed Revisions to Policy 20-11

The Board reviewed the internal procedures document for rush reinstatements as well as proposed revisions to Policy 20-11. After discussion, a motion was made, seconded, and carried to accept the proposed revisions to Policy 20-11 as amended.

Advanced Age Documentation Non-CPHP

The Board reviewed a Memo from Marschall S. Smith, Program Director, Colorado Board of Medical Examiners, regarding the development of options other than CPEP for physicians who were at or nearing retirement.

After discussion, Board determined no changes would be made to current policies nor any change in guidance to the Inquiry Panels.

Rule 400 - Request for Waiver of the Board Rule Regarding the Regulation of Physician Assistants

The Board noted that all requests for Waiver of Rule 400 would be granted as the ratio of physician assistant to physician would be changed from 2:1 to 4:1 on July 1, 2010 and these requests comply with the new ratios. The Program Director was instructed to include a letter with the approval notices of the changes in the ratio.

Elane Shirar, M.D.

The Board reviewed a memo from Board staff and Dr. Shirar's waiver request from Rule 400, Section 2 B 1, two Physician Assistant limit.

A motion was made, seconded and carried to approve Dr. Shirar's request.

Howard J. Entin, M.D., P.C.

The Board reviewed Dr. Entin's waiver request from Rule 400, Section 2 B 1, two Physician Assistant limit.

A motion was made, seconded and carried to approve Dr. Entin's request.

William J. Milano, M.D.

The Board reviewed Dr. Milano's waiver request from Rule 400, Section 2 B 1, two Physician Assistant limit.

A motion was made, seconded and carried to approve Dr. Milano's request.

Jeannette Y. Mercer, M.D.

The Board reviewed Dr. Mercer's waiver request from Rule 400, Section 2 B 1, two Physician Assistant limit.

A motion was made, seconded and carried to approve Dr. Mercer's request.

Beth Korinek, M.P.H., Executive Director and Stephanie McGee, External Relations/Development Specialist – Center for Personalized Education for Physicians (CPEP)

Ms. Korinek gave a informational presentation regarding the Colorado Physician Education Program (CPEP). No action was required or taken.

CPHP Report, Third Quarter, Report ending March 31, 2010

The Board reviewed the March 31, 2010 Third Quarter Report.

A motion was made, seconded and carried to accept the report.

REPORTS OF OFFICE OF INVESTIGATIONS

Kay Toomey, Ph.D., Case No. 2010-001033-F

The Board reviewed a report from D'Ann Murphy, Investigator, dated March 23, 2010.

After discussion, a motion was made, seconded and carried to dismiss the case. Dr. Melendez abstained from voting on the matter.

Office of Attorney General

The Office of Attorney General's Confidential Full Board Case Status Report was provided to the Board for review. The report was for the Board's information and no action required.

Recognition and Appreciation to Former Board Members

The Colorado Board of Medical Examiners recognized Reverend Robert Leivers and Ms. Susan Radcliff for their exemplary service to the Board.

Recognition and Appreciation to Assistant Attorney General Karen McGovern

The Colorado Board of Medical Examiners recognized the hard work and service to the Board by Assistant Attorney General Karen McGovern, who was transferring to another Unit within the Office of Attorney General.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:26 p.m.

These Minutes were approved by the Board on this 19th day of August, 2010.

FOR THE COLORADO BOARD OF MEDICINE

Approved by: Jandel Allen-Davis, M.D.

Date: August 19, 2010